

A.G. CONTRACT NO. 85-549

ECS FILE: ICA-85-07

Project: I-10-3(85) & (87) RW (239)C  
Section: Sky Harbor Center Access

**39180**

85-07

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF PHOENIX

THIS AGREEMENT entered into this 20th day of September, 1985, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the City of Phoenix, acting by and through its City Council, hereinafter called "City".

WHEREAS, State is empowered by Section 28-108 Arizona Revised Statutes to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of the State; and

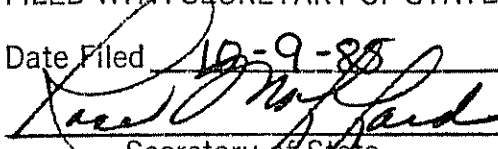
WHEREAS, City is empowered by Section 9-672B Arizona Revised Statutes, and Chapter II, Section 2 of the Phoenix City Charter, to enter into this agreement and acting by and through its City Council, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of City; and

WHEREAS, City desires that additional access be provided to Sky Harbor Center by the installation of grade separations at Grant Street and 22nd Street, slip ramps between Jefferson Street and Grant Street, and revising the existing design to accommodate future ramps to Mohave Street; and

WHEREAS, State will assist City in certain phases of the proposed project; and

WHEREAS, certain funding responsibilities will be undertaken by each party and it is desirable to establish those areas of responsibility prior to start of the project.

THEREFORE, the parties hereto agree as follows:

NO. <u>10701</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10-9-85</u>
 Secretary of State

STATE SHALL:

1. Be responsible for all design and construction costs of the Jefferson Street slip ramp take-off to the back of the gores; and all design costs and construction engineering costs for the ramps between the back of the Jefferson Street slip ramp gores and Grant Street.
2. Be responsible for all design costs and construction costs for the Grant Street structure and any costs related to redesign and construction revisions required in deleting the Buchanan Street structure.
3. Be responsible for all design costs for the 22nd Street structure.
4. Be responsible for all construction costs related to revising the Buckeye Road ramps to accommodate the future braided ramps to Mohave Street; all redesign costs for widening the Buckeye Road bridge to accommodate the future ramps; all construction costs related to widening the mainline approaches north of the Buckeye Road bridge.
5. Be responsible for all design and construction costs involved in the lighting and traffic control devices required for the I-10 mainline and Sky Harbor connection.
6. Be responsible for any redesign or additional construction costs related to modifications to off-site drainage.

CITY SHALL:

1. Be responsible for all construction costs (except for construction engineering) for the ramps between the back of the Jefferson Street slip ramp gores and Grant Street.
2. Be responsible for all design and construction costs for the Grant Street crossroad.
3. Be responsible for all construction costs for the 22nd Street structure and all design and construction costs for the 22nd Street crossroad.
4. Be responsible for all redesign costs of the Buckeye Road ramps to accommodate the future braided ramps to Mohave Street; all construction costs related to widening the Buckeye Road bridge to accommodate the future ramps; all redesign costs for widening the mainline approaches north of the Buckeye Road bridge.
5. Be responsible for all design and construction costs involved in traffic control and lighting for the Jefferson to Grant ramps, the Grant Street crossroad, and the 22nd Street crossroad.

6. Provide all additional right of way required for the above additions and revisions.

The parties hereto further agree that when the future Mohave Street interchange receives Federal Highway Administration approval, City will be credited for its costs under future cost sharing.

THIS AGREEMENT shall remain in full force and effect until completion of said project as aforesaid; provided, however, that this agreement may be cancelled by either party upon 30 days' written notice by one party to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

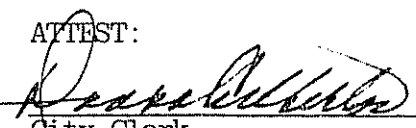
In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

This agreement shall become effective on the date of filing same with the Secretary of State.

Attached hereto and incorporated herein by reference is a copy of State's resolution authorizing entry into this agreement, a copy of City's resolution passed by its City Council, a copy of the written determination of the appropriate attorney that City is authorized under the laws of the State to enter into this agreement and that said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ATTEST:

  
City Clerk

CITY OF PHOENIX, a municipal corporation

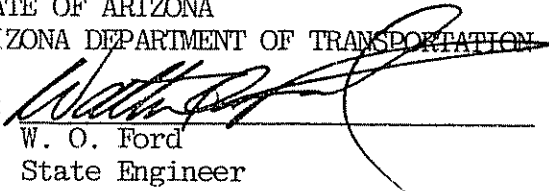
MARVIN A. ANDREWS

By: CITY MANAGER

BY   
CITY ENGINEER

SEP 3 1985

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF TRANSPORTATION

By:   
W. O. Ford  
State Engineer

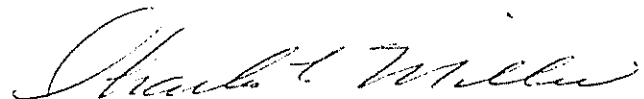
PROJECT: I-10-3(85) & (87)

SECTION: SKY HARBOR CENTER ACCESS  
FUNDING RESPONSIBILITIES

RESOLUTION

BE IT RESOLVED on this 16<sup>TH</sup> day of JULY, 1985, that I, Charles L. Miller, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Phoenix to establish the funding responsibilities of each party prior to construction of entry and exit ramps from Interstate Highway 10 to Sky Harbor Center.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.



Charles L. Miller, Director  
Arizona Department of Transportation

JDC:ks

RESOLUTION NO. 16653

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF TRANSPORTATION TO ESTABLISH FUNDING RESPONSIBILITIES FOR DESIGN AND CONSTRUCTION OF ADDITIONAL I-10 FREEWAY ACCESS TO SKY HARBOR CENTER; AND DECLARING AN EMERGENCY.

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX  
as follows:

SECTION 1. That the City Manager or his designee be, and he is hereby, authorized to execute an agreement on behalf of the City of Phoenix with the State of Arizona, acting through its Department of Transportation, for the purpose of establishing funding responsibilities for the design and construction of additional I-10 freeway access to Sky Harbor Center.

SECTION 2. WHEREAS, the immediate operation of the provisions of this resolution is necessary for the preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist, and this resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

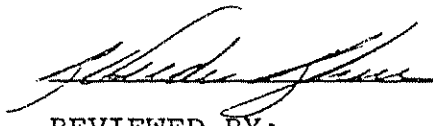
PASSED by the Council of the City of Phoenix this  
7 day of August, 1985.

  
\_\_\_\_\_  
ACTING M A Y O R

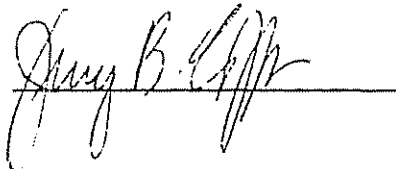
ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
ACTING  
MQ

REVIEWED BY:

  
\_\_\_\_\_  
City Manager  
ACTING

CITY ATTORNEY  
INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

The Intergovernmental Agreement between the City of Phoenix and the State of Arizona acting through the Arizona Department of Transportation regarding the design and construction of additional access facilities to Sky Harbor Center [Projects L-10-3 (85) and (87)] has been reviewed pursuant to A.R.S. Section 11-952 by the undersigned Acting City Attorney who has determined that the Agreement is in proper form and is within the powers and authority granted to the City of Phoenix under the laws of the State of Arizona.

DATED this 30<sup>th</sup> day of August, 1985.

RODERICK G. McDOUGALL  
City Attorney

By 

Acting City Attorney 



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 85-549, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 26<sup>th</sup> day of September, 1985.

ROBERT K. CORBIN  
Attorney General

*James R. Redfern*  
Assistant Attorney General  
Transportation Division